



APM 1013

Policy Memorandum - Senate Bill 2900

TO: Elected Officials, Agency Directors, and Personnel Officers
State Government Agencies

FROM: Deanne Mosley (original signed)
Mississippi State Personnel Board Executive Director

DATE: April 5, 2013

SUBJECT: Administration of Personnel Actions

A. Statement of Purpose

Pursuant to Senate Bill 2900 of the 2013 Regular Session, the Mississippi State Personnel Board, acting through the MSPB Executive Director, hereby authorizes and directs the immediate suspension of reallocations, reclassifications, realignment, educational benchmarks, career ladders, equity salary adjustments, or any other means to increase salaries of employees or positions unless specifically exempted by the policies contained herein. **This suspension will be effective upon passage and the Governor's signing of Senate Bill 2900. This suspension will end June 30, 2013.**

These provisions shall supercede all conflicting policies and procedures for the administration of salaries published in the *Mississippi State Personnel Board Policy and Procedures Manual* and the *Variable Compensation Plan for FY 2013*.

The development of the following policies is based upon implementation of Section 6 of Senate Bill 2900 as follows:

It is the intention of the Legislature that for the period beginning upon passage of this act and ending June 30, 2013, the State Personnel Board shall not approve or process any personnel action requests received from agencies which include any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a

Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the fiscal year 2013 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board or any other requested action of the agency that has been specifically authorized by the Legislature.

B. Coverage of these Policies

1. These policies shall govern employee salary increases and position changes for:
 - a. State service employees and positions, and
 - b. Non-state service employees and positions excluded from the state service by *Mississippi Code of 1972, Annotated*, Section 25-9-107(c), but subject to State Personnel Board salary setting authority as listed below:
 - (1) Part-time employees and positions [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xi)];
 - (2) Persons appointed on an emergency basis [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xii)];
 - (3) Time-limited employees and positions [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xiv)];
 - (4) Administrative heads appointed by the Governor, board, commission or other authority, unless otherwise fixed by statute [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xv)]; and
 - (5) Administrative officers, deputies, bureau chiefs, and directors and their positions [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xvi)]; and
 - (6) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks as law enforcement trainees (cadets) [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xxi)].
2. Agencies or positions with statutory exclusion (not under the salary setting authority of the Mississippi State Personnel Board and not subject to the compensation policies of this memorandum) are listed below. Please note,

however, that the restrictive language in Section 6 of Senate Bill 2900 applies to state and non-state service positions, unless otherwise specifically exempted in law.

- a. Non-state service agencies [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(i) (ii) (iii) (iv) (vii) (viii) (xvii)];
 - b. Non-state service occupations [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c) (v) (vi) (ix) (xiii)];
 - c. Non-state service positions of associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce [Refer, *Mississippi Code of 1972, Annotated*, Section 25-9-107(c)(xix)];
 - d. Non-state service positions of deputy superintendents, associate superintendents and divisional directors within the State Department of Education [Refer, *Mississippi Code of 1972, Annotated*, Section 37-3-13(2)]; and
 - e. Non-state service positions of associate directors, deputy directors and bureau directors within the Mississippi Development Authority [Refer, *Mississippi Code of 1972, Annotated*, Section 57-1-5(3)(c)(xi)].
3. Salaries set by statute shall be implemented strictly in accordance with legislative intent [Refer, *Mississippi Code of 1972, Annotated*, Sections 25-3-31 and 25-3-35].

C. Policy Provisions for Implementation

1. Suspended Activities

With the exception of the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the fiscal year 2013 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the Mississippi State Personnel Board or any other requested action of an agency that has been specifically authorized by the Legislature, the following activities are suspended:

- (a) Upward Reallocations;
- (b) Upward Reclassifications;
- (c) Realignment;

- (d) Educational Benchmarks;
- (e) Career Ladders;
- (f) Equity Salary Adjustments;
- (f) Additional/Special Compensation; and
- (g) New Hire Flex/Promotional Flex/Agency Head Flex.

2. Authorized Actions

- (a) Teacher Salary Increments
- (b) Advancement of a trainee/cadet to the next level of a bona fide career ladder
- (c) Educational benchmark for the attainment of the following: Certified Accountant License, Accredited Insurance Examiner, Accredited Financial Examiner, Associate's Degree, Bachelor's Degree, National Graduate Trust School, Certified Credit Examiner, Certified Examiner-in-Charge, Certified Financial Examiner, Certified Insurance Examiner, Certified Investigator Program, Certified Information Systems Examiner, Nursing Home Administrator, Certified Operations Examiner, Certified Public Manager, Certified Retirement Counselor, Doctoral Degree, Specialist's Degree, Environmental Permit Manager Program, Environmental Permit Manager Program, Sr., Executive Fire Officer, FBI National Academy Graduate, Forensic Psychology Fellowship, Graduate School of Banking, Human Resources Certification Program, Leadership Education Development/Rehabilitation Services, Licensed Polygraph Examiner, Master's Degree, Mississippi Assessment Evaluator, State Law Enforcement Instructor, Vision Specialist, and Associate Professional in Insurance Regulation.
- (d) New Hire/Promotion to Vacancy Created by Departing Employee

Agencies shall have the authority, provided funds are available, to hire new employees or to transfer existing employees into vacant positions. New employees shall be hired at the starting salary of the position. Existing state employees may be transferred at the salary level of the departing employee or the Fiscal Year 2013 promotional formula, whichever is less.
- (e) Emergency Appointment of Nurses, Pharmacists, Health care and Child Protection Professionals

Emergency appointments shall include the necessary appointment of staff

related to court orders and/or the appointment of nurses, pharmacists, or other health care professionals who provide services related to the total health care delivery system and child protection professionals.

(f) Legislative Action

Agencies shall have the authority to take such action that has been specifically authorized by the Legislature.

(g) Existing Legal Obligations

- (1) Personnel actions required in order for the State of Mississippi to comply with existing bona fide contractual agreements (*e.g.*, signed contractual agreements and existing commitments to career ladders);
- (2) Court orders; and
- (3) Actions, which in the absence of approval, could constitute negligence in regard to the agency's duties.

The MSPB Executive Director will serve as the final authority regarding requests for exemption.